

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF
ILLINOIS EASTERN DIVISION**

MAUI JIM, INC., an Illinois Corporation,

Plaintiff,

v.

SMARTBUY GURU ENTERPRISES, a Cayman Island Company, MOTION GLOBAL LTD., a Hong Kong Company, SMARTBUYGLASSES SOCIETÀ A RESPONSABILITÀ LIMITATA, an Italian company, SMARTBUYGLASSES OPTICAL LIMITED, a Hong Kong company,

Defendants.

No. 16-cv-09788

Judge Aspen

Mag. Judge Gilbert

**PLAINTIFF’S MOTION TO COMPEL
DEFENDANTS’ PRODUCTION OF DOCUMENTS**

Plaintiff hereby moves, pursuant to Rule 37, FED.R.CIV.P. and Rule 37.2 of the Local Rules of this Court, for an order compelling Defendants to produce all documents responsive to Plaintiff's Document Request Nos. 5 through 10. The Document Requests ask for documents on topics that are important to Plaintiff's claims and to Defendants' affirmative defenses; namely, the supplier(s) of the sunglasses that Defendants sell under the MAUI JIM mark, and Defendants' procurement of the same. Moreover, the Requests are narrowly tailored to the trademark counterfeiting and infringement issues in this case.

Defendants’ objections lack merit. Their numerous boilerplate objections are conclusory, which prevents Plaintiff from responding thereto. The only objection Defendants make with specificity – that the authenticity of the frames and sunglasses that Defendants sell is “not in

dispute” – is demonstrably incorrect merely from reading the allegations of Plaintiff’s Complaint. The authenticity of the MAUI JIM-branded frames and sunglasses that Defendants sell is among the most important issues that the parties dispute. Moreover, by interposing the affirmative defenses of exhaustion, license, and waiver, Defendants have injected into the case issues that entitle – indeed, that require – Plaintiff to take discovery on the topics covered by Plaintiff’s Document Request Nos. 5-10.

WHEREFORE, for the foregoing reasons, which are more fully set forth in the accompanying Memorandum, Plaintiff respectfully requests that the Court order that Defendants produce all documents responsive to Document Request Nos. 5-10, and order that Defendants pay Plaintiff’s reasonable expenses incurred in making this Motion, including Plaintiff’s attorneys’ fees (Rule 37(a)(5)(A), FED.R.CIV.P.).

Date: September 25, 2017

Respectfully Submitted,

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Certificate of Service

On September 25, 2017, I e-filed the foregoing document with the Clerk of the Court using the CM/ECF system, which provides notice of the filing to all counsel of record. This document is accessible to all counsel through the CM/ECF system.

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